

1 STEPHEN J. NUTTING, ESQ.
2 WHITE & NUTTING, LLC
3 P. O. Box 5222
4 Saipan, MP 96950
5 Telephone: (670) 234-6547
6 Facsimile: (670) 234-9537

7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN MARIANA ISLANDS

10 LI YING HUA, LI ZHENG ZHE and XU
11 JING JI,

12 Plaintiffs,

13 vs.

14 JUNG JIN CORPORATION, a CNMI
15 corporation, ASIA ENTERPRISES INC.,
16 a CNMI corporation, PARK HWA SUN
17 and KIM HANG KWON,

18 Defendants.

CASE NUMBER CV 05-0019

**ANSWER TO PLAINTIFF LI YING HUA'S
FIRST INTERROGATORIES TO
DEFENDANTS**

19 COME NOW, defendants, Jung Jin Corporation, Asia Enterprises Inc., Park Hwa Sun, and
20 Kim Hang Kwon, to answer plaintiff Li Ying Hua's First Interrogatories as follows:

21
22
23 Interrogatory Number 1: Please DESCRIBE IN DETAIL the actual number of hours YOU
24 contented (SIC) PLAINTIFF worked for YOU each day from April 2003 to April 25, 2005.

25
26 Answer: Defendants object to the form of the question in that it seeks to encompass each of
27 the defendants as the employer of the plaintiff propounding the interrogatories.
28 Defendants further object to the form of the question in that the interrogatory

1 suggests that the individual defendants were the employers of the propounding
2 plaintiff. Defendants further object that the request is overbroad and seeks
3 information beyond the stature of limitations. Notwithstanding the foregoing
4 objections, defendants answers the interrogatory as follows:

5
6 The propounding plaintiff worked 12 hours per day 7 days a week throughout the
7 period of her employment, not counting absences for illness, breaks etc.

8
9 Interrogatory Number 2: Please IDENTIFY any and all DOCUMENTS that RELATE TO the
10 verification of, or proof of , or evidence of, or other indicia of the actual number of hours YOU
11 contented PLAINTIFF worked for YOU each day from April 2003 to April 25, 2005.

12
13 Answer: Defendants object to the form of the question in that it seeks to encompass each of
14 the defendants as the employer of the plaintiff propounding the interrogatories.
15 Defendants further object to the form of the question in that the interrogatory
16 suggests that the individual defendants were the employers of the propounding
17 plaintiff. Defendants further object that the request is overbroad and seeks
18 information beyond the stature of limitations. Moreover, records reflect that the
19 propounding plaintiff did now work the period encompassed in the interrogatory.
20 Notwithstanding the foregoing objections defendants answers the interrogatory as
21 follows:

22 Defendant's have no records which accurately reflect the actual number of hours
23 propounding plaintiff worked for the corporate defendants.

24
25
26 Interrogatory Number 3: Please IDENTIFY all of YOUR EMPLOYEES for the period from
27 January 2001 to the present, whether or not those employees were EMPLOYED by YOU for any or
28 all of that period of time.

1
2 Answer: Defendants object to the form of the question in that it seeks to encompass each of
3 the defendants as the employer of the plaintiff propounding the interrogatories.
4 Defendants further object to the form of the question in that the interrogatory
5 suggests that the individual defendants were the employers of the propounding
6 plaintiff. Defendants further object that the request is overbroad and seeks
7 information beyond the stature of limitations. Moreover, records reflect that the
8 propounding plaintiff did now work the entire period encompassed in the
9 interrogatory. Defendants further object in that the interrogatory burdensome in
10 respect that it seeks information relative to each individual which is not in defendants
11 possession. Notwithstanding the foregoing objections defendants answers the
12 interrogatory as follows:

13
14 See listing of employees and non-resident workers produced in response to Plaintiff's
15 request for production No. 7.

16
17 Interrogatory Number 4: Please state all ANY AND ALL FACTS that you support YOUR
18 affirmative defense that PLAINTIFF's claims, or any of them, fail to state a claim upon which relief
19 can be granted as alleged in YOUR Verified Answer filed on July 12, 2005.

20
21 Answer: Propounding plaintiff's complaint seeks to recover wages from individuals who were
22 not the employer of propounding plaintiff. Propounding Plaintiffs complaint fails to
23 state a claim against defendants PARK HWA SUN and KIM HANG KWON who
24 were not the employers of propounding plaintiff. Propounding plaintiff also has no
25 claim against Asia Enterprises, Inc. For the period of time that the propounding
26 plaintiff was under contract and working for Jung Jin Corporation. Propounding
27 plaintiff has no claim against Jung Jin Corporation for the of time plaintiff was under
28 contract with Asia Enterprises.

1 Interrogatory Number 5: Please state all ANY AND ALL FACTS that support YOUR
2 affirmative defenses of accord and satisfaction as alleged in YOUR Verified Answer filed on July
3 12, 2005.

4
5 Answer: To avoid being restricted to a forty (40) hour workweek. Propounding plaintiff asked
6 to be allowed to work extra hours on a salary basis. Propounding plaintiff agreed to
7 work up to 84 hours per week for a base salary of \$700 per month. Defendants
8 agreed to put propounding plaintiff on a salary and paid the salary agreed.

9
10 Interrogatory Number 6: Please state all ANY AND ALL FACTS that support YOUR
11 affirmative defense that PLAINTIFF breached his employment contract as alleged in YOUR Verified
12 Answer filed on July 12, 2005.

13
14 Answer: Prior to leaving defendant Asia Corporation's employ, a number of employees of
15 Asia Corporation and Jung Jin Enterprises were advised that as a result of defendant
16 Asia Corp's downturn in business, that they should seek a transfer to another
17 employer. They were further advised that if they remained with Asia corp. it was
18 unlikely that their contracts would be renewed after the expiration of the existing
19 contract.

20 The following day, plaintiffs Li Zheng Zhe, and Xu Jiong Ji, did not report to work,
21 nor did they return to work thereafter. Plaintiff's Zhe and Xu encouraged other
22 workers to walk off the job and to file a complaint against the defendants. Only
23 plaintiff Li, Ying Hua. followed.

24
25 Propounding plaintiff left defendant Asia Corp's employ without cause and without
26 providing the fifteen (15) day any notice, and without any good faith attempt to settle
27 any dispute with the Director of Labor and defendant Asia Corp. as required under
28 the contract.

1 Interrogatory Number 7: Please state all ANY AND ALL FACTS that support YOUR
2 affirmative defense that PLAINTIFF lacks contractual privity with YOU, or with any particular
3 defendant, as alleged in YOUR Verified Answer filed on July 12, 2005.

4
5 Answer: Propounding Plaintiff has no contractual relationship or contract of employment with
6 defendant PARK HWA SUN.

7
8 Propounding Plaintiff has no contractual relationship or contract of employment with
9 defendant KIM HANG KWON.

10
11 Interrogatory Number 8: Please state all ANY AND ALL FACTS that support YOUR
12 affirmative defenses of improper joinder as alleged in YOUR Verified Answer filed on July 12,
13 2005.

14
15 Answer: Propounding Plaintiff has no contractual relationship or contract of employment with
16 defendant PARK HWA SUN and PARK HWA SUN is improperly joined in this
17 action.

18
19 Propounding Plaintiff has no contractual relationship or contract of employment with
20 defendant KIM HANG KWON and KIM HANG KWON is improperly joined in this
21 action.

22
23 The defendants were not co-employers of the plaintiffs or any of them and the
24 defendants are improperly joined in this action.

25
26
27 Interrogatory Number 9: Please state all ANY AND FACTS that support that part of YOUR
28 affirmative defense that YOU, at all material times, acted fairly, reasonably, justly, and in good faith
with respect to the compensation of PLAINTIFF as alleged in YOUR Verified Answer filed on July

1 12, 2005.

2
3 Answer: To avoid being restricted to a forty (40) hour workweek. Propounding plaintiff asked
4 to be allowed to work extra hours on a salary basis. Propounding plaintiff agreed to
5 work extra hours for a base salary of \$700 per month. Defendants agreed to put
6 propounding plaintiff on a salary and paid the salary agreed.

7
8 Interrogatory Number 10: Please IDENTIFY any and all DOCUMENTS that RELATE TO the
9 verification of, or proof of, or evidence of, or other indicia of the actual amount of money YOU paid,
10 gave or provided to PLAINTIFF, for any reason whatsoever, from November 2001 to the present.

11
12 Answer: See Exhibits produced in response to Plaintiff's Request for Production No. 11, 12
13 and 13.

14
15 Interrogatory Number 11: Please state ANY AND ALL FACTS and other "discoverable
16 information" that YOU believe is within the knowledge of Park Hwa Sun (an individual identified
17 in YOUR Rule 26(a)(1) disclosures) that is in any way RELATED TO this lawsuit and/or
18 PLAINTIFF's claims herein.

19
20 Answer: Objection, plaintiff's request is vague, overbroad and burdensome. Notwithstanding
21 this objection, defendant Park Hwa Sun has information related to the employment
22 of the propounding plaintiff, the work schedule of the propounding plaintiff, the
23 terms and method of compensation, and the propounding plaintiff's wrongful
24 abandonment of employment in breach of the employment contract.

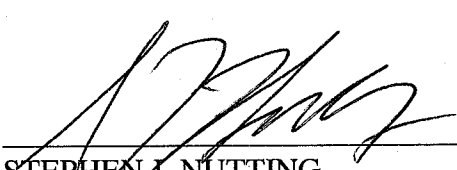
25
26 Interrogatory Number 12: Please state ANY AND ALL FACTS and other "discoverable
27 information" that YOU believe is within the knowledge of Kim Hang Kwon (an individual identified
28 in YOUR Rule 26(a)(1) disclosures) that is in any way RELATED TO this lawsuit and/or
PLAINTIFF's claims herein.

1 Answer: Objection, plaintiff's request is vague, overbroad and burdensome. Notwithstanding
2 this objection, defendant Kim Hang Kwon has information related to the employment
3 of the propounding plaintiff, the work schedule of the propounding plaintiff, the
4 terms and method of compensation, and the propounding plaintiff's wrongful
5 abandonment of employment in breach of the employment contract.
6
7

8 Interrogatory Number 13: Please IDENTIFY any and all persons who have or have had the
9 responsibility and/or job duty to record, collect, compile, calculate or otherwise deal with the time
10 any EMPLOYEE worked for any of the Defendants in this case at any time from January 2001 to
11 the present.
12

13 Answer: 1. Park Hwa Sun c/o 234-6547
14 2. Kim Hang Kwon c/o 234-6547
15

16
17 Dated this 15th day of December, 2005.

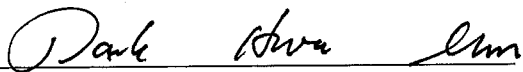
18
19 
20 STEPHEN J. NUTTING
21 Attorney for Defendants
22

23 VERIFICATION

24 Park Hwa Sun, being duly sworn, deposes and says that she resides at Saipan,
25 Commonwealth of the Northern Marianas Islands; that she is the president of Jung Jin Corporation,
26 and that she and the defendant Jung Jin Corporation are both defendants in this action; that she is
27 authorized by Jung Jin Corporation to verify these answers to interrogatories on behalf of the
28

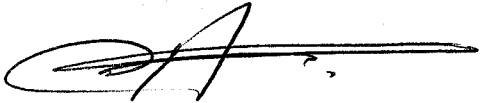
1 corporation and that she also answers these interrogatories personally and on her own behalf; that
2 she has read the foregoing answers to interrogatories and knows the contents, and those contents are
3 true of her own knowledge, except as to the matters stated on information and belief, and as to those
4 matters she believes them to be true.
5

6 Dated this 5th day of December, 2005.
7

8 
9 Park, Hwa Sun
10 Personally and on behalf of Jung Jin Corporation
11

12 Kim, Hang Kwon, being duly sworn, deposes and says that he resides at Saipan,
13 Commonwealth of the Northern Marianas Islands; that he is the president of Asia Enterprises, Inc.,
14 and that he and the defendant Asia Enterprises, Inc. are both defendants in this action; that he is
15 authorized by Asia Enterprises, Inc. to verify these answers to interrogatories on behalf of the
16 corporation and that he also answers these interrogatories personally and on his own behalf; that he
17 has read the foregoing answers to interrogatories and knows the contents, and those contents are true
18 of his own knowledge, except as to the matters stated on information and belief, and as to those
19 matters he believes them to be true.
20

21
22 Dated this 5th day of December, 2005.
23

24 
25 Kim, Hang Kwon
26 Personally and on behalf of Asia Enterprises, Inc.
27
28